

Attorneys for Defendant  
 EXPRESS SEA TRANSPORT CORPORATION  
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 Patrick F. Lennon (PL 2162)  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK


-----X	:	
THE RICE COMPANY,	:	
	:	
Plaintiff,	:	07 Civ. 7077 (WHP)
	:	
- against -	:	<b>NOTICE OF MOTION</b>
	:	<b><u>TO VACATE ATTACHMENT</u></b>
EXPRESS SEA TRANSPORT CORPORATION,	:	
	:	
Defendant.	:	
-----X	:	

Defendant, Express Sea Transport Corporation, through its attorneys, Lennon, Murphy & Lennon, LLC, upon the annexed Declaration of Hugh Maxwell Townson, accompanying Memorandum of Law, and pleadings heretofore had herein, Defendant will move this Court before the Honorable William H. Pauley III, United States Courthouse, 500 Pearl Street, Courtroom 11D, New York, New York on the 5<sup>th</sup> day of October 2007 at 10:30 o'clock in the a.m., or as soon thereafter as the parties can be heard, for an order pursuant to Supplemental Rule E(4)(f) for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Admiralty Rules") vacating the Ex Parte Attachment Order dated August 9, 2007 on the basis that the attachment is improper. In the alternative, the Court should reduce the Ex Parte Attachment Order pursuant to Admiralty Rule E(6) from \$4,946,170.13 to \$1,324,804.71 and

also order the posting of countersecurity pursuant to Admiralty Rule E(7)(a) in the amount of \$474,020.67.

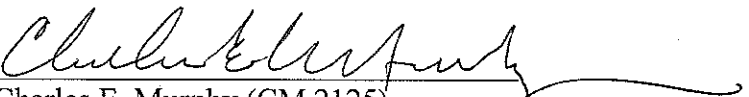
Dated: New York, New York  
September 17, 2007

The Defendant,  
EXPRESS SEA TRANSPORT CORPORATION,

By:   
Charles E. Murphy (CM 2125)  
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**AFFIRMATION OF SERVICE**

I hereby certify that on September 17, 2007, a copy of the foregoing Notice of Motion was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

By:   
Charles E. Murphy (CM 2125)